



700.14 Court Security

Number Series: 700—Specialized Unit
Approved Date: August 4, 2018
Review Due Date: August 4, 2021

Sheriff's Approval: Digital
Review Frequency: 3- Years

POLICY

The Sheriff of Hendry County, in person or by deputy, shall attend all terms of the circuit court and county court held in his/her county, per Florida Statute 30.15. The Sheriff has appointed bailiffs, court security deputies, and/or court deputies to maintain the security of the Judges, courtrooms, temporary hold areas, arrestees, attend court proceedings and maintain courtroom security for Hendry County. The Hendry County Court Administrator's Office is in charge of the courtroom facilities, maintenance, and public access and security.

The appointed bailiffs, court security deputies, and/or court deputies will provide court security, protect the integrity of court procedures, and protect the court and its participants.

PROCEDURE

A. Security

1. Physical facilities

- a. Court administration is responsible for providing security for the courthouse. This security is contracted with a private security company and they conduct security checks for citizens who are entering the courthouse. This security function operates the magnetometer and x-ray equipment, as well as security checks in the parking lots and on all floors of the courthouse. This security function accomplishes the magnetometer "screening" and physical hand-searches. This "screening" process shall be in effect during all normal business hours. The security guards also monitor security cameras which are at the security checkpoint desk. The Sheriff, at his discretion, may assign a deputy sheriff to work in conjunction with the Court Administrator where security is concerned, from time to time. Any such assignment will be subordinate to the Chief Bailiff.

2. Weapons

- a. No weapons will be allowed into the Courthouse with the exception of Law Enforcement personnel who are mandated to be armed who will carry proper identification.

1. If the Judge should prohibit the carrying of firearms by Law Enforcement personnel within their Courtrooms, the officer will secure their weapon in lockboxes located in the courthouse facility.
 - b. All weapons, to include lethal and less-lethal weapons, are not allowed in holding areas of the courtroom, transfer hallways, and elevator when escorting arrestees. Deputies will secure all weapons in provided lockboxes. Lockboxes are located beside each judge's bench inside each courtroom; they are also in the sally port and entrance of courthouse.
3. Duress Alarm
 - a. Courtrooms will be able to access a "panic button" that will "alarm" the security checkpoint on the first floor of the courthouse. Contract security will notify Sheriff's Office personnel of a "problem" situation.
 - b. Holding cells are equipped with an intercom system to allow arrestees to contact the Sheriff's Office jail control room to report any emergencies or medical needs.
 - c. Holding cells are equipped with security cameras that are monitored by the Sheriff's Office jail control room. Video and audio equipment in the court holding facilities, for security purposes, shall not be used to invade arrestee's personal privacy. HSCO members shall announce their presence prior to entering any holding cell.
 - d. Courtrooms will be equipped with at least one form of external communications device.
 - e. Security guards at the courthouse checkpoint monitor the duress alarm box and will notify the on duty bailiff of the alarm location.
 - f. The security guards are tasked with testing the duress alarms on a daily basis.
 - g. Each day that court is in session the on duty bailiff will verify that the duress alarm is functioning within that courtroom. This will be documented on the Courtroom Security Checklist.
4. Arrestee Movement
 - a. Holding areas will have an intercom system, fresh or purified air circulating, adequate lighting, toilet and sink.
 - b. Controls will be put in place to reduce the possibility of invading the arrestees privacy.
 1. Arrestees shall be brought into the Courthouse through the controlled "sally port" as is designated by physical layout at the Courthouse Complex.
 2. When not in the Courtroom, but remaining in the Courthouse, arrestees shall be kept in the facility designated for the temporary holding of arrestees.
 3. Daily, before any arrestees are brought to the holding area associated with each Courtroom, it is the responsibility of the Bailiff to insure the cleanliness and physical security of the cell. Any discrepancies, i.e., cleanliness, defective lighting, security concerns, etc. shall immediately be resolved prior to the introduction of any arrestee.
 4. A bailiff may enter the holding area for medical emergencies, physical altercations, situations that require the response of a

deputy, movement of the arrestee and for physical checks of the arrestees.

5. Periodic checks not exceeding thirty (30) minutes in length shall be made on all arrestees once they are put into the temporary holding cell. When tasked with other duties, i.e., hearing in progress, etc., the Bailiff will insure that all doors to the temporary holding cell remain locked and secured upon each check.
- c. Movement of persons into and out of the courtroom is as follows:
 1. The general public shall be admitted to the courtroom through an entrance at the rear of the courtroom.
 2. All arrestees shall be brought into the courtroom from the temporary holding facility through a secluded entrance.
 3. As designated by the applicable judge, the jury (if any) will enter the courtroom through a side door of the courtroom.
 4. The courtroom shall be cleared by reverse procedure as shown above.
 5. At no time before, during, or after a court function will any arrestee be allowed contact with the Judge, Jury or the general public.

B. General Duties

1. Bailiffs will:

- a. Take their orders only from the Judge, Sheriff or other ranking Supervisor of the agency.
- b. Ensure that all persons within the courtroom stand during the opening, recessing and closing of the court session.
- c. Be courteous when dealing with jurors, other court personnel, arrestees and the general public.
- d. Ensure that jurors are escorted to their vehicles after dark.
- e. Report all unusual circumstances and emergencies to their immediate supervisor, who will notify their chain of command, Chief Judge, and Court Administration.
- f. Keep the Judge and their immediate supervisor informed of all matters pertaining to courtroom needs.
- g. Ensure that all facets of this Standard Operating Procedure are adhered to in ensuring the safety/security of the judge, jurors and court personnel.
- h. The Bailiff assigned to a trial will obtain information from the jail before the trial about the arrestee's jail classification including but not limited to escape risk/violent crimes, and;
 1. Open the courtroom at least 30 minutes before the first scheduled hearing, motion or trials for that day.
 2. Turn on all lights in courtroom.
 3. Position podiums in the appropriate positions.
 4. Unlock courtroom doors.
 5. Turn on lights in judge's entryway.
 6. Check courtroom, holding cell and jury room for suspicious items.
- i. While court is in session, lead bailiff should stand in front of the judge's bench to the side of the clerk's station. 2nd bailiff should be stationed at the rear of the courtroom beside the entry door.

- j. While court is in session bailiffs should maintain constant vigilance of all persons in courtroom. If persons become disruptive or fall asleep warn them, upon second violation ask the person to leave the courtroom.
 - k. When court adjourns for the day, clear the courtroom, check courtroom-holding cell and jury room for items left behind. Turn out all lights and secure the courtroom.
2. Bailiffs will not and will not allow:
- a. Courtroom visitors to enter and remain standing while court is in session unless otherwise permitted by the presiding judge.
 - b. Interruptions when the judge is addressing the court except in an emergency situation.
 - c. Anyone to approach the bench while court is in session, unless summoned by the judge.
 - d. Tobacco, food, eating utensils or drink in the courtroom.
 - e. Anyone to borrow any keys that are subject to security for the courtroom, temporary holding cells, access points, etc.
 - f. Tell prospective jurors that they are returning to the Jury Room because the defendant is going to plead. If so, and the defendant changes their mind, the Jury cannot be used in the trial.
 - g. Noises or distractions while the court is in session.
 - h. Arrestees out of the temporary holding cell unless instructed by the judge.
 - i. Discussion of the case with jurors, prospective jurors, attorneys, defendants or anyone else.
 - j. Give defendants legal advice
 - k. Attempt to answer any questions on any matter asked by the jury concerning the case or enter the Jury Room during deliberations, other than that authorized by the court.
 - l. Exhibit any pleasure or displeasure with the jury verdict.
 - m. Bring reading materials into the courtroom. The bailiff's full attention to the surrounding proceedings is a must at all times.
 - n. Utilization of cellular phones inside the court room while court is in session unless an emergency arises or directed by the presiding judge.
 - o. Offer arrestees advice about their case or engage in conversations.
3. Prior to any session of court, after recesses, and again at adjournment, the bailiff shall conduct a visual/physical inspection of the courtroom, immediate hallways, public access rooms/bathrooms and temporary holding cells for any contraband, suspicious packages and the overall security of the courtroom. These checks will be documented on the Courtroom Security Checklist which is maintained in each courtroom. During any recesses, the courtroom shall be securely locked or kept under direct supervision of the bailiff.
4. When trials and/or court sessions are in progress, Court Security/Bailiffs shall ensure that private security companies on the lower floor of the Courthouse Complex are accomplishing magnetometer "screening" and physical hand-searches. This "screening" process shall be in effect during all normal business hours. Any discrepancies shall immediately be brought forth to the HCSO Chief Bailiff or designee who will advise the Administrative Judge and/or his Administrative Assistant.

5. At any time, a bailiff can and will search all items of a suspicious nature carried into the courtroom and, with probable cause, persons entering the courtroom. This shall be done upon the request of the judge or at the discretion of the bailiff, should it be deemed an appropriate precautionary measure.
6. Hendry County Sheriff's Office policy is that all in-custody arrestees will be kept in handcuffs and leg-chains while in route from the jail to the courtroom holding cell/facility. For jury trials, there shall be no restraints unless ordered by the judge. This policy is applicable to all arrestees – male, female, juvenile and handicapped (unless the handicapped arrestee cannot physically be handcuffed.)
7. Male, female and juvenile arrestees shall be kept separated while being detained at the courthouse. Anytime female arrestees have court, a female Detention Deputy will be assigned to supervise female arrestees.
8. All bailiffs will constantly review and physically inspect all facets of security procedures to insure their effectiveness.
9. In such inspections, the thorough examination will determine:
 - a. The nature and degree of the threat, the exact kind and degree of protective measures used and the precise kind of security measures that are needed.
 - b. The need to make recommendations of action to establish the appropriate level of security.

C. Equipment

1. Keys are kept in a locked security box at the security checkpoint desk. The bailiff supervisor or his designee, will issue keys to each bailiff prior to the start of the court proceedings and each key will be logged on a sheet to reflect chain of custody.
2. All holding cell areas and/or courtrooms are equipped with first aid kits, fire extinguishers, and emergency lighting sources. Equipment will be documented on a weekly inspection. Any discrepancies shall immediately be brought to the Hendry County government maintenance personnel for immediate repair/correction. If maintenance or repair is necessary within the court holding areas, a bailiff or Detention Deputy will accompany maintenance personnel ensuring that no tools or equipment are left behind.
3. Bailiff's will have issued equipment and hand-held radio's with earpiece at all times while on duty.
4. All courtrooms will be equipped with mirrors for security sweep, handheld metal detector, handcuffs and leg-chains/restraints for security purposes.
5. Should a more difficult situation arise requiring additional security measures, the bailiff shall immediately notify their supervisor and make their needs known.

D. Arrestees

1. Searching
 - a. Arrestees taken from the jail to a courthouse will be searched before leaving the jail.
 - b. Arrestee taken into custody per order of the judge will be thoroughly searched before being placed into the temporary holding cell. Arrestee's personal items will be inventoried and placed in a bag or suitable container and secured until the person is released or transferred with the arrestee when transported to a permanent holding facility.
2. Arrestees under the influence/unstable/violent:

- a. Defendants ordered by the court to be incarcerated who appear to be under the influence of alcohol or drugs, exhibit violent behavior or self-destructive tendencies, or have a history of same, shall be placed in a court holding cell under direct observation until escorted to the jail.
 - b. The arrestee shall be transferred to the jail with full disclosure of the circumstances and condition of the arrestee. Jail medical shall be notified immediately.
 - c. If assistance is necessary to control the arrestee, restraints may be used and when necessary, additional jail deputies shall be summoned.
 - d. Arrestees who are self destructive, violent, Ill, Injured or under the influence will immediately be transported to the jail and segregated as needed.
 - e. No arrestee will be transported from the jail who is self destructive, violent, Ill, Injured or under the influence.
3. Restraints Handcuffs and Leg Irons
- a. All arrestees will be handcuffed/leg ironed when being moved between the jail, courtrooms, hearing room and temporary holding cell.
 - b. Male, female and juvenile arrestees will not be handcuffed together.
 - c. Juveniles will not be handcuffed to adults.
 - d. When handcuffs and/or leg irons are used, they will be placed on, double-locked and adjusted properly per set procedures.
 - e. If a single bailiff is required to handle two arrestees, the arrestees should be handcuffed right hand to right hand or left hand to left hand.
 - f. When removing handcuffs, the arrestee will be put “off-balance” and the handcuffs removed. Handcuffs will not be allowed to “dangle” from one wrist.
 - g. Connecting chains and leg irons
 - 1. These types of restraining devices are used in transporting arrestees to and from the Courthouse. Handcuffs and leg irons will be taken off during the trial. Hand cuffs and/or Leg braces will not be worn during jury trials to prevent escapes unless ordered otherwise by the presiding Judge.
 - h. Arrestees will not, under any circumstances be secured to an immovable object.
4. Escorting and Guarding Arrestees
- a. Escorting arrestees between the temporary holding cell, courtrooms and hearing rooms and guarding them while in the courthouse complex is the responsibility of the bailiff and/or assigned LEO or Corrections personnel.
 - 1. When escorting an arrestee, the officer will walk to the rear/behind the arrestee.
 - 2. When two bailiffs are escorting an arrestee, one officer will walk in front and one in rear of the arrestee.
 - 3. When guarding an arrestee in the courtroom or hearing room, the correctional officer or bailiff(s) must be positioned to block all probable escape routes. If there is more than one exit in a courtroom, and if one bailiff is assigned to guard the arrestee, the bailiff should be positioned immediately behind the arrestee seated at the defense table.

4. Two correctional officers or bailiffs should be assigned to guard an arrestee during capital cases, and cases involving organized crime.
 5. Arrestees are not authorized to talk to anyone except their attorney(s). An arrestee's opportunity to confer with an attorney shall not be impeded. Every reasonable effort shall be afforded the arrestee to confer with the attorney.
 6. No arrestee will be permitted to receive any item or have contact with family members unless the judge authorizes contact.
 - a. If contact is authorized the arrestee will come into contact with these persons in the courtroom at the attorneys desk.
5. Transporting Arrestees
- a. Transporting officers/bailiffs will ensure that the name of the arrestee is checked against the Jail Record and Court List and conduct a thorough search of each arrestee before removing the arrestee from the jail. Arrestees attending jury trials will be dressed in presentable street clothes, if available.
 - b. The most secure route to the courthouse, one with the least exposure to the general public, will be used.
 - c. No arrestee will be allowed to smoke while in transit. "Small-talk" will be kept to a minimum.
 - d. All arrestees will enter the courthouse through the "sally port" entrance. During "high risk" situations, other accesses can be approved.
 - e. Arrestees will be escorted from the secure hallways to the elevator where the following procedures shall apply:
 1. The transport side of the elevator will be utilized, which will automatically disable the public access to the elevator
 2. When the arrestee is placed in the holding cell from the elevator, the holding cell door must be locked, and the elevator access door will also be secured.
 3. When arrestees are in transport, exposure to the public will not be allowed, except in extreme or emergency situations.
 4. In public hallways, arrestees will be kept in single file along one side of the hall with a Correctional Officer or Bailiff clearing the way. Correctional Officer or Bailiffs must be observant and aware when passing through public areas. It is the Correctional Officer or Bailiff's responsibility to protect the arrestee as well as prevent an escape.
6. In-Session Procedures
- a. The number of arrestees required to be in the courtroom at any given time will vary depending on the type of proceeding involved. The courtroom scene is the most vulnerable link in arrestee handling.
 - b. Arrestees will be brought to the courtroom and positioned as directed by the bailiff.
 - c. When the court recesses, the arrestee will be removed from the courtroom and placed in the temporary holding cell. If the recess is an extended period of time, the arrestee will be returned to the jail.

- d. Only one arrestee will be allowed inside of the courtroom while court is in session. Certain hearings may require two arrestees inside of the courtroom (i.e. shelter hearing)
- 7. Post-Proceedings
 - a. At the end of the proceedings, the defendant may be required to be fingerprinted or sign specific documents. If sentenced, this could be a crucial period and could be explosive, especially when major crimes are involved. This could be the moment of truth and a defendant sentenced to life or execution has nothing to lose by making an attempt to escape.
 - b. The defendant must be taken immediately to the jail when the sentencing is completed. Arrestees will be removed from the temporary holding cell one at a time and handcuffed in accordance with set procedures.
- E. Court Procedures
 - 1. Courtroom Bailiff Procedure
 - a. Notify judge when attorneys/parties/clerk is ready to begin.
 - b. Before the judge enters the courtroom, the lead bailiff will announce the opening for court as follows;
 - 1. “All rise, the (Circuit Court or County Court) in and for Hendry County is now in session, the (presiding judge), presiding”
 - 2. At recess or adjournment, announce: “All rise, court is (in recess or adjourned)”
 - 3. Upon re-opening of court announce: “All rise, court is back in session”
 - c. When court is to be reopened after recess, advise the judge when attorneys/parties/clerk are ready.
 - d. While court is in session, lead bailiff should stand in front of the judge’s bench to the side of the clerk’s station. 2nd bailiff should be stationed at the rear of the courtroom beside the entry door.
 - e. While court is in session bailiffs should maintain constant vigilance of all persons in courtroom. If persons become disruptive or fall asleep warn them, upon second violation ask the person to leave the courtroom.
 - f. Do not allow persons to approach the bench unless directed by the judge. All documents or exhibits should be handed to the bailiff and then handed to the judge.
 - g. During trials where the defendant is in custody, the corrections officer or Bailiff should be seated in a way the jury doesn’t know the defendant is in custody.
 - h. During hearings and motions where the defendant is in custody, the corrections officer or Bailiff should be seated beside the defendant or positioned behind the defendant at the podium.
 - i. During pleas where the defendant is in custody, the corrections officer or Bailiff should stand behind the defendant at the podium so that access out of the courtroom is blocked.
 - j. Correction officer or Bailiff is responsible for finger printing the in custody defendant.
 - k. During felony arraignments where the defendant is in custody, the corrections officer should escort the defendant from the holding cell to the

podium. The corrections officer should then stand behind the defendant so that access out of the courtroom is blocked.

- l. While court is in session bailiffs should have their cell phones on silent/vibrate mode. Cell phones will only be used inside the courtroom for emergency situations or directed by the judge. Personal calls or text messaging should be done outside the courtroom.
 - m. When courts adjourn for the day, clear the courtroom, and complete the courtroom security checklist then lock courtroom doors.
 - n. During jury deliberation the bailiff posted outside the jury door shall follow the procedures listed below:
 1. If the jury knocks on the door reference a question about the case, the bailiff will immediately advise the judge and the judge will give instructions to the bailiff.
 2. The bailiff will not discuss the case with jurors.
 3. If a juror has personal issue immediately report to the judge.
 4. Juror note pads do not leave the courtroom until the jury is in deliberations. If the case is a multiday case juror pads will be delivered to the judge at the end of each day.
 - o. Reference court room one, it will be the bailiffs responsibility to insure all doors entering and exiting the courtroom are unlocked prior to court being in session.
 - p. When court is in session only one Arrestee will be allowed in the court room at a time.
2. Jury Trials
- a. Unless a case has been continued, the first order of business will be to select a Jury.
 - b. The term, “Invoke the Rule” means the Judge can either order the Attorneys to keep their witnesses out of the Courtroom except when testifying, or call witnesses into the Courtroom and admonish them not to discuss the case or their testimony with other persons or witnesses except the Attorneys on the case. It is the duty of the Bailiff to call all witnesses, as they are required to testify in Court.
 - c. Bailiffs are to remain in the Courtroom at all times when the Court is in session.
 - d. In a “Condemnation” Case, the Judge may order the Jury to view the property, places, premises or things that may be in controversy. When the Judge orders inspection of the property, the Bailiff will take the Jury in charge and escort them to view the site. The Bailiff will make the arrangements for transportation to the site to be viewed. The Bailiff will allow no one to discuss any subject connected with the case. The Jury will be returned to the Courtroom without delay. The Jury Room will never be entered Bailiff unless directed by the Court.
 - e. The Clerk of the Court makes up Court Schedules. Hearings are schedules by the Judges Administrative Assistant. It is the responsibility of the Clerk of the Court to notify the Corrections Division so that timely demands of the Court are met. The number of Bailiffs required will depend on the type of proceedings to be conducted.
3. Sequestering the Jury

- a. Florida Criminal Rule states “After the Jurors have been sworn, they will hear the case as a body and, within the discretion of the Trial Judge, may be sequestered.” In the event the Court sequesters the Jury, Bailiffs must accompany them.
- b. Florida Criminal Rule 3.400 states “The Court may permit the Jury, upon retiring to deliberate, to take into the Jury Room”:
 - 1. A copy of the charges against the defendant.
 - 2. Forms or verdict approved by the Court after being examined by Counsel.
 - 3. All things received in evidence other than depositions, and all Jury Instructions.
 - 4. No newspapers, magazines, books, or any other materials will be allowed in the Jury Room during deliberations.
- c. Florida Criminal Rule of Procedure 3.410 describes procedures to follow when Jurors ask questions, request additional instructions or testimony. If this situation should arise, the Bailiff shall tell the Jury to stand by and notify the Judge. All questions should be in writing and delivered to the Judge. The action taken will be up to the Judge. It may not be necessary to assemble the Court. Bailiffs shall not attempt to answer even the simplest question while a Jury is deliberating. Written questions become part of the Case and go into the Case Package. Florida Criminal Rule of Procedure 3.440 contains instructions pertaining to the rendition, reception and recording of the verdict.
- d. Florida Criminal Rule of 3.470 instructs the Jury on sealed verdicts. The rules state that the Court may, with the consent of the Prosecuting Attorney and the defendant, direct the Jurors that if they should agree upon a verdict during a temporary adjournment of the Court, the foreman and each Juror will sign same and such verdict will be sealed in an envelope and delivered to the member having charge of the Jury, after which the Jury may separate until the next convening of the Court. When the Court authorizes the rendition of a sealed verdict, it will admonish the Jurors not to make any disclosure concerning it, nor to speak with other persons concerning the cause until their verdict will have been rendered in open Court. The member will, forthwith, deliver the sealed verdict to the Clerk. The envelope will be opened in open Court and read by the Clerk in formal proceedings.
- e. Florida Criminal Rule Procedure 3.600 provides that the Judge must grant a new Trial if certain events occurred, and resulted in prejudice to the substantial rights of the defendant. These events include:
 - 1. The Jury received evidence out of Court other than resulting from authorized view of the premises;
 - 2. That Jurors, after retiring to deliberate upon the verdict, separated without leave of Court;
 - 3. Any Juror was guilty of misconduct;
 - 4. Florida Statute 918.07 – Admonition to officer in charge of Jurors. —When the Jury is committed to the charge of an officer, the officer shall be admonished by the Court to keep the Jurors together in the place specified and not to permit any person to

communicate with them on any subject except with the permission of the Court given in open Court in the presence of the defendant or the defendant's counsel. THE OFFICER SHALL NOT COMMUNICATE WITH THE JURORS ON ANY SUBJECT CONNECTED WITH THE TRIAL AND SHALL RETURN THE JURORS TO COURT AS DIRECTED BY THE COURT.

4. Trial Procedure

- a. Bailiffs will work directly with the Corrections Division on all issues of the Court where Arrestees of the Hendry County Jail are involved.
- b. All defendants in custody will be returned to the Jail even though they have been found not guilty. Arrestees must be processed before being released providing that they have no "holds."
- c. When Arrestees will be held for extended periods of time at the Court Complex, Corrections will be notified to have food delivered for the Arrestees.
 1. All garbage will be immediately disposed of. No garbage will be left strewn about within any room and/or temporary holding cell.
- d. In certain situations, such as a controversial Trial, it may be necessary to escort the Judge to his/her vehicle. The Bailiff will also escort the Judge's Administrative Assistant.
- e. In the event that the Judge orders the Jury to be fed, the Bailiff will follow set procedures in accordance with Florida Statute 40.26. All required forms (AS SHOWN IN APPENDIX-108) and accompanying receipts will be completed and/or submitted to Fiscal.
 1. Under no circumstances will a Bailiff allow any Juror to have an alcoholic beverage during the meal.
- f. In the event Criminal Court is in late session, security may have to be altered depending on the nature of the case and/or the character of the defendant being tried.

F. Grand Jury and court procedures

1. Grand Jury Procedures

- a. Florida Statutes 40 and 905 contain general information on grand juries and provide for two six-month terms each year for the regular Grand Jury one during the spring and fall terms. Also, there are provisions for impaneling a special Grand Jury when the situation dictates. The Grand Jury normally consists of eighteen members. Once the Grand Jury is selected they are escorted to a Courtroom, where the assigned Judge administers a special charge and designates the foreperson and assistant foreperson. A clerk or secretary is appointed by the foreperson. The clerk, or secretary, keeps the minutes and performs administrative duties assigned by the foreperson. Once the eighteen persons are impaneled and convened, it takes fifteen members to constitute a quorum. An indictment or presentment will be found and returned only upon the concurrence of twelve or more Grand Jurors.

2. In-Session Procedures

- a. The Grand Jurors selected are escorted by the Bailiff assigned to a Courtroom designated by the Court Administrator. The assigned Judge will be notified that the Grand Jury has appointed a foreperson. The Bailiff

will recess Court as instructed by the Judge. In sessions the Grand Jury will remain in the same Courtroom. The Bailiff will take his/her place outside the Courtroom and prevent any interruption while the Grand Jury is in session.

3. Criminal Court Information

- a. Court actions are in two broad categories: Criminal and Civil. Every crime under Florida Law will either be a felony or a misdemeanor. Any criminal offense that is not a felony is a misdemeanor. Any criminal offense that is punishable under the law of this state by death or imprisonment in a state penitentiary is a felony, and no other crime will be considered.
- b. Florida Statute sets forth the classification of felonies and misdemeanors. Florida Statutes establish maximum penalties and fines respectively.
- c. Certain legal requirements must be met before anyone accused of a crime can be prosecuted. The Florida Rules of Criminal Procedure set forth the method of prosecution.
- d. Any capital offense will require indictment by the Grand Jury before prosecution.
- e. The prosecution of all other criminal offenses will be by indictment or information. For prosecution purposes a uniform traffic citation is considered to be information. County Courts may prosecute for violations of municipal ordinances by affidavit.
- f. Criminal 3.131 provides that all persons in custody for the commission of an offense, unless it is a capital offense or an offense punishable by life imprisonment, and the proof of guilt is evident or presumption is great, is entitled, as of right, to be admitted to bail before his/her conviction on reasonable conditions. After conviction, bail may be granted at the discretion of either the Trial or appellate Court. Florida State Statute states the subsequent arrest on a felony charge of any person who has been placed on parole or probation, following a finding of guilt or nolo-contendere of any felony, will be prima facie evidence of the violation of the terms and conditions of such parole or probation. Upon such arrest, the parole agreement or probation order will immediately be temporarily revoked, and such person will remain in custody until a hearing by the Parole and Probation Commission (Florida Statute 947.22) of the Court. A parole and probation officer may arrest and temporarily revoke the probation of a probationer as long as the superior has reasonable grounds to believe that the probationer has violated his/her probation.
 1. Any person that has his/her probation revoked will be given a hearing within ten (10) days from the date of such arrest. Failure to hold said hearing will constitute an immediate release of such person.
 2. Any person whose parole or probation has been temporarily revoked will not be admitted to bail prior to the hearing provided for in Florida Statute 947.23.
 3. In all criminal prosecutions, the accused will have the right to a speedy and public Trial by an impartial Jury.

G. Civil Court Information

1. Setting a case for Trial will be set as provided by the Florida Rules of Civil Procedure. A copy of the notice that action is at issue and ready to be set for Trial will be furnished to the secretary of the Judge to whom the case is assigned at the time said notice is filed. A Trial may be either Jury or non-Jury, as provided by the Constitution, the law, and the choice of the parties. After all the pleadings of both parties have failed, the Court sets the case for pretrial conference for a Trial, as each situation dictates.
 - a. Pretrial conferences: The attorneys appear at these proceedings, usually without their clients, and in the presence of the Judge. They seek to agree on undisputed facts and other matters that might shorten the actual Trial time. Pretrial conferences are normally held in a hearing room.
 - b. Jury Trial: In this proceeding, the facts of the cases are determined by a Jury, and the Judge rules on the point of law dealing with the Trial procedure, and presentation of evidence as well as the law of the case. A condemnation Trial requires a twelve person Jury and all other civil cases require only six (6). All Trials, with the exception of non-Jury, are held in the Courtroom.
 - c. Non-Jury Trials: In this proceeding, the Judge determines the facts of the case as well as ruling on points of law dealing with the Trial procedure, presentation of the evidence and the law of the case, contested dissolution's, contract disputes and other types of legal action where a Jury Trial is not requested. This type of Trial can be held in a hearing room.
 - d. All evidence that has been ordered to the Court for judicial purposes is the responsibility of the Court Administrator/Clerk. All evidence shall be secured from any unauthorized persons at all times by the Clerk of the Court. Bailiffs will not "hold" evidence, accept responsibility and/or transport evidence unless the Court directs them.

H. Disturbances in the Courtroom

1. In the event of a major disturbance the Patrol division will be notified to assist in containment of the situation.

I. Emergency Plan

1. Should a medical emergency develop, the Court Operations Deputy shall call 9-1-1 for help.
2. Until E.M.S. arrives, the Court Operations personnel shall administer First-Aid and/or cardiopulmonary Resuscitation according to their training. First-Aid kits are available in all Courtrooms.
3. Should a medical emergency develop, the Bailiff shall summons assistance through the "9-1-1" System of Hendry County. The Bailiff shall perform assistance within their scope of training until the arrival of EMS personnel. Bailiffs shall remain cognizant of "feigning" medical emergencies or other "emergencies" by Arrestees precluding escape attempts.
4. If accident, obtain names of witnesses after First Aid has been rendered.
5. A "Signal 14/Information" complaint shall be initiated and the pertinent information recorded.

J. Escape Plan

1. In the event of an escape:
 - a. During the pursuit of the escapee, Bailiffs shall immediately contact the Communications Center and request additional assistance.

1. Information will be provided such as direction of flight, general description of the escapee, name, gender, race, height, weight and clothing worn.
2. A Supervisor shall immediately respond to the area and take command while mobilizing other members and resources.
3. All available members will be assigned to the situation.
- b. Pursuit will begin immediately and will continue until the escapee is caught or until the Bailiff is physically unable to continue the pursuit.
- c. When the escapee has been captured the member will immediately notify the incident commander or the supervisor in charge.
- d. The Bailiff will immediately activate the duress alarm that contacts the Labelle Communications Center of the location of occurrence.
- e. All procedures as outlined in the Emergency Operations Manual of the Agency shall be instituted and adhered to dealing with "ESCAPE EMERGENCY PLAN 11.04-5"
- f. The Bailiff will end the duress alarm and the incident will be documented fully in chronological order with a full accounting of events.

K. Hostage Situation

1. Sound the duress alarm that contacts the Labelle Communications Center of the location of occurrence.
2. If further action would unnecessarily harm persons involved in the matter, the Bailiff should keep the situation under constant observation (if possible) and wait for responding assistance.
3. All procedures as outlined in the Emergency Operations Manual of the Agency shall be instituted and adhered to dealing with "Hostage or Barricade Situations/Chapter 13.00."
4. The area shall immediately be cordoned off of spectators, citizens, etc.
5. A ranking Supervisor shall assume control of the situation as soon as possible.

L. Disasters Plan

1. The Bailiff will immediately activate the duress alarm that contacts the Labelle Communications Center of the occurrence.
2. All procedures as outlined in the Emergency Operations Manual.
3. The incident will be documented fully in its chronological order with a full accounting of events.

M. Bomb Threat

1. Bomb threats received will be forwarded immediately or reported to the Bailiff's Security Center. The Bailiff Center will notify immediately the HCSO Telecommunications Center, Bailiff Bureau supervisor, Jail Administrator, and the Chief Deputy. The Chief Deputy shall be responsible for informing the Sheriff, without delay
2. Any unexplained packages, boxes or unusual objects shall not be touched. If a suspicious package or box is found, the reporting Bailiff shall immediately notify the Bailiff Bureau Supervisor by **telephone**. The Bailiff Bureau Supervisor may authorize the evacuation of the courtroom and the surrounding areas at this time or may require further investigation.
3. The HCSO Telecommunication Center shall be notified immediately, by **telephone**, and will notify the Designated Bomb Disposal Unit, the Fire Department, and the Special Response Team to stand by.

4. Emergency response to a suspected explosive device or bomb threat will be as stated in the HCSO Emergency Operations Plan.

N. Fire Plan

1. The facility has an automatic fire alarm and heat and smoke detection system, fire equipment that is approved in writing by state or local fire officials. This directive prescribes fire prevention practices and procedures, to include:
 - a. Regular inspection of fire detection devices and alarm systems for damage or tampering. If the cell is used infrequently, it is inspected prior to placing a arrestee in the cell;
 - b. Documented testing of fire and smoke alarms as required by local fire code
 - c. Documented Annual testing of fire suppression equipment or testing as required by local fire code; and
 - d. A written plan and posted evacuation map for the facility complete with marked emergency exits and marked direction to hazard free areas.
2. All Fire detection devices and alarm systems will be inspected at either daily, monthly or Annually for damage and/or tampering. These inspections will also document the testing of Fire and smoke alarms as required by local fire code;
3. Annual testing of fire suppression equipment shall be documented.
4. Evacuation maps will be placed at various high visibility areas throughout the building as well as within each courtroom.
5. Annual fire suppression training will be conducted for all Bailiff and correctional personnel.
6. An evacuation and fire plan will also be kept at the courthouse complex as well as within the jail.
7. All plans as designated by the Court House Complex shall be followed.
8. If a Trial is in session, the Bailiff will be responsible for the evacuation of his/her Court, for arrestee's evacuation, security and safety. Arrestees will immediately be returned to the Hendry County Jail. The Bailiff will keep juries in a group or as instructed by the Judge.

O. High Risk Trial

1. Additional Law Enforcement personnel will be used to supplement Court Services during any High Risk Trial or any other "high profile" Trial.
2. All requests of this type will be reduced to writing and forwarded through the Chain of Command with all concerns and/or justifications.
3. Judges will be advised prior to any Court proceeding of an arrestee who is under the influence who is under the influence of alcohol or other drugs or is in a violent or self-destructive state. The Judge will then determine the proper course of action. If the Judge wants the individual to appear, the transporting Bailiff will determine what additional procedures or equipment is needed.
4. Scanning and frisking of persons entering Courtrooms or other specified locations is performed by the private Security Company hired by the Court Administration.

P. Restricted areas

1. The general public is restricted from access to the holding area, Jury Rooms, Judge's Chambers and the area behind the Judge's bench.
2. Jurors are prohibited access to the holding area, Judge's Chambers and behind the Judge's bench.

Q. Training

1. Each Bailiff or Detention Deputy assigned to court cell duty shall receive initial training in court holding cell operations, fire suppression, and use of emergency equipment and will receive retraining at least once a year.

DEFINITIONS

Bailiffs – Sworn personnel who hold auxiliary Law Enforcement Certification and are assigned to limited non-enforcement duties. They may be used in various capacities within the confines of the courthouse when such duty is within their training and capability

Controlled Access Point – A security checkpoint located at the front entrance of the courthouse, which is guarded by security officers, employed by the Board of County Commissioners, who operate scanning equipment designed to detect the presence of weapons.

Court Security Deputy – A sworn law enforcement officer in the State of Florida who has received specific training related to their courthouse assignment, but has not successfully completed the Sheriff's Office Field Training Program. Court Security Deputies law enforcement authority is limited to the courthouse complex, unless exigent circumstances arise while away from the complex, or otherwise directed by the Sheriff or his designee. In such cases, appropriate enforcement related action shall be taken to handle the emergency until a Deputy Sheriff arrives.

Judge's Court – Any building, room, or area within or outside the court complex that the judge may deem necessary to use while conducting court business.

Judicial Complex – All courtrooms, judges' offices/chambers, corridors, lobbies, offices, and areas within the courthouse building used by the state and county governments. These areas include accesses and sidewalks immediately adjacent to the courthouse.

REFERENCES

State/Federal Regulations:

- Florida Criminal Rule 3
- Florida Statute 30.15
- Florida Statute 40
- Florida Statute 905
- Florida Statute 918.07
- Florida Statute 947

CFA:

CFA Standards 22.02M, 22.03M, 22.04M, 22.05M, 22.06M, 22.08M, 22.10M, 22.11M, 23.01M, 23.03, 23.04, 23.05M, 23.06M, and 23.07M

Forms:

- 700.14-01 Court Activity Daily
- 700.14-02 Court Key Log
- 700.14-03 Court Months Daily

Other Policy/ Procedure References:

- 500.25 Call Out Notification
- 500.47 Bomb Threats
- 500.51 Arrest Procedures
- 500.53 Handcuffs and Other Restraints

